
PERMANENCY CARE ASSISTANCE (PCA)

A. What Is Permanency Care Assistance?

The Permanency Care Assistance (PCA) Program provides certain benefits and supports to qualifying kinship families who take permanent managing conservatorship (PMC) of a child. PCA families are eligible for:

- Monthly cash assistance similar to adoption assistance;
- Medicaid health coverage; and
- A one-time reimbursement of nonrecurring expenses, including legal fees, incurred in the process of obtaining custody of the child, up to a maximum of \$2,000.

The maximum monthly payments are the same as those for adoption assistance and depend upon the child's authorized service level at the time the PCA is negotiated. [Tex. Fam. Code § 264.852\(a\)](#).

Caregivers who apply must be:

- Related or has a longstanding relationship with the child / children being placed; and
- Verified foster parents who have been verified by a child placing agency for at least six consecutive months during which time the child resided with the family. (In other words, the family must be verified for six months, and the child must live with the family for at least six months AFTER verification and BEFORE the court awards PMC and dismisses the case).

DFPS may enter into a permanency care assistance agreement with a kinship provider who is the prospective managing conservator of a foster child only if the kinship provider meets the eligibility criteria under federal and state law and DFPS rule. [Tex. Fam. Code § 264.852\(b\)](#). A court may not order DFPS to enter into a PCA agreement with a kinship provider unless the kinship provider meets the eligibility criteria under federal and state law and DFPS rule, including the requirements relating to criminal history background check of a kinship provider. [Tex. Fam. Code § 264.852\(c\)](#).

B. What Should Courts Do?

Before awarding permanent managing conservatorship to a relative under this program and dismissing DFPS from a case, the court should ensure that:

- The caregiver is verified (verified is not the same thing as licensed. DFPS licenses child placing agencies, and in turn, child placing agencies verify foster homes);

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- The child has been placed with the verified kin for at least six months following the date of the verification;
 - DFPS has determined that reunification and adoption are not appropriate permanency options for the child; and
 - DFPS and the kin have signed a PCA agreement and it is on file PRIOR to the award of PMC to the caregiver – the child must be in the temporary or permanent managing conservatorship of DFPS on the day before PMC is transferred to the relative.

The one-year deadline to dismiss a case still applies. For example, if the 12-month deadline is approaching, and a child has not lived with his or her verified caregiver for at least six months after the verification, the case must be extended under [Tex. Fam. Code § 263.401](#) or permanent managing conservatorship must be awarded to DFPS in order to allow sufficient time to satisfy the 6-month residency requirement prior to the relative being awarded PMC.

If a sibling is placed by CPS in the home of a child who is already the subject of a PCA agreement, the sibling is automatically eligible for PCA benefits and the six month residency requirement for the sibling is waived. However, the family must enter into a new PCA that includes the sibling BEFORE the court awards PMC of the sibling to the kin/caregiver and dismisses DFPS from the case.

The PCA program does not replace the existing DFPS program that offers financial and other supports to relative and other designated caregivers. Relatives who do not meet the eligibility criteria under the PCA program can continue to take advantage of the Relative and Other Designated Caregiver Program.

The maximum monthly amount of assistance payments under a PCA agreement may not exceed the amount of the month foster care maintenance payment DFPS would pay to a foster care provider caring for the child for whom the kinship provider is caring. [Tex. Fam. Code § 264.854](#).

C. How Does PCA Affect Older Youth?

First, older youth must be consulted about the PCA plan. For youth who are between the ages of 16 and 18 when PCA agreements are signed, the relative or fictive kin who then take legal custody of these youth can continue to receive PCA support until the youth turns 21 years of age, so long as certain educational and/or employment eligibility requirements are met by the youth. Youth in this category can also apply for educational training vouchers (ETVs) for vocational or college pursuits, by contacting regional PAL staff.

If DFPS first entered into a PCA agreement with a foster child's kinship provider after the child's 16th birthday, DFPS may continue to provide PCA payments until the last day of the month of the child's 21st birthday under [Tex. Fam. Code § 264.855](#), provided the child is:

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- Regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;
 - Regularly attending an institution of higher education or a post-secondary vocational or technical program;
 - Participating in a program or activity that promotes, or removes barriers to, employment;
 - Employed for at least 80 hours a month; or
 - Incapable of performing the activities described above due to a documented medical condition. [Tex. Fam. Code § 264.855](#).

DFPS may not enter into PCA Agreement after August 31, 2017, but shall continue to make payments after that date under a PCA agreement entered into on or before August 31, 2017, according to the terms of the agreement. [Tex. Fam. Code § 264.857](#).

D. What About SSA Benefits and Child Support?

While kinship families serve as foster parents, they receive a monthly foster care payment from DFPS. If the child in the kinship family's care receives Social Security Administration (SSA) benefits or if child support monies have been court ordered, DFPS receives and uses these funds to offset the cost of the child's foster care payments. The kinship family will receive the foster care payments in lieu of the child's SSA benefits or child support they may have previously received from DFPS. When the court gives legal custody (PMC) to the kinship family and PCA benefits begin, the kinship family would have to apply with the SSA to become the representative payee of the child's SSA benefits and arrangements would have to be made for the kinship family to receive any child support payments that have been court ordered.

E. Resources

Jurist in Residence Letters, Children's Commission

<http://texaschildrenscommission.gov/media/450/jirfirstpca.pdf>

<http://texaschildrenscommission.gov/media/453/pcajir.pdf>

<http://texaschildrenscommission.gov/media/27241/18%20Permanency%20Care%20Assistance%20Program%20follow%20up%203rd%20letter.pdf>

Fostering Connections to Success and Increasing Adoptions Act: What it Means for Texas, Center for Public Policy Priorities located at:

<http://library.cppp.org/files/4/newfostercare.pdf>